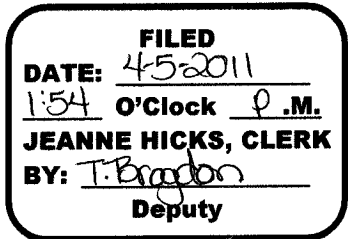


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: R. Hagen/T. Brogdon, Deputy Clerks

CASE NO. V1300CR201080049

DATE: April 5, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney
Sheila Polk/Bill Hughes,
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,
(Via electronic mail)
(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP,
(Via electronic mail)
(Co-Counsel for Defendant, *Pro Hac Vice*).

HEARING ON:
TRIAL – Day 27

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:09 a.m.

APPEARANCES:

Sheila Polk and Bill Hughes, Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Luis Li, Truc Do, and Miriam Seifter, Counsel for Defendant
Victim Services Representative

The Jury is not present.

Juror No. 4 appears telephonically and is examined regarding calling in sick. The Juror is reminded that if he is released from Jury Duty, the admonition will remain in effect. Juror No. 4 leaves the hearing by disconnecting.

Discussion ensues. Counsel concur that Juror No. 4 should remain as a Juror and that the Trial not be held today

Based on the proposal of the parties, Trial will not be held today.

The Court asks the Jury Commissioner to stress to Juror No. 4 that all aspects of the admonition continue.

~~~Recess~~~

At 1:33 p.m. Court reconvenes with the presence of Sheila Polk and Bill Hughes, Counsel for State, Detective Diskin, Case Agent, Luis Li and Truc Do, Counsel for Defendant, and Tosca Henry, Counsel for the Hamilton's. The Jury is not present.

Counsel for Defendant advises Defendant waives his appearance.

Court and Counsel discuss interviews, recording of interviews of the Hamilton's and disclosure.

Counsel for Defendant advises they would like to interview Mr. and Mrs. Hamilton and would like for those interviews to be recorded. Counsel for Defendant advises they make this request pursuant to the Court's Order last week in light of disclosure relating to certain information that they be permitted interviews with both Mr. and Mrs. Hamilton.

Counsel for Plaintiff requests the interviews be subject to questions about the photographs, and the interviews be limited to the issues pertaining to the new photographs taken and disclosed.

Counsel for Plaintiff requests the subject of the interviews be of the latest disclosure.

The Court advises the disclosure has been recent, and doesn't see time is a factor. The Court references Rule 15.3(2), Rule 15.3(c) and Rule 15.3(d).

**IT IS ORDERED** there be a deposition, it can be tape recorded and it need not be with the expense of a certified Court reporter. The scope of the interview is limited to recent disclosure that has been submitted in the case.

Court and Counsel discuss scheduling of the interview. Counsel for Plaintiff requests the interview be set for tomorrow at noon. Counsel for Defendant requests the interview be done here for convenience of the parties with the witnesses sworn.

**IT IS ORDERED setting** the deposition which can be converted to an interview on April 6, 2011 at 12:00 p.m.

**END TIME: 1:54 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde